



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NYAMIRA
HIGH COURT CRIMINAL CASE NO. 43 OF 2015

REPUBLIC.....STATE

-VERSUS-

KENNEDY MONGARE OKARI.....ACCUSED

SENTENCING

The accused person, Kennedy Mongare Okari was initially charged with murder, contrary to **Section 203** as read with **Section 204** of the Penal Code. The particulars thereof were that on 30th day of March, 2013 at Kiamonyinga village Matongo Sub-location Nyamira North District within Nyamira County in the Republic of Kenya murdered EUGINE KJERI OGENDI.

However, through the legal process of plea bargaining and agreement, the accused person was able to plead a lesser offence of manslaughter on 11/11/2015.

He was found guilty and convicted on the said offence of manslaughter by this court on the said date i.e 11/11/2015.

Facts of the case were stated by the prosecution.

The prosecution does not have a previous criminal records.

Counsel for the accused mitigated for him as follows:

- 1. Accused is a first offender**
- 2. He regrets the commission of the offence**
- 3. He is related to the deceased**
- 4. He is remorseful.**
- 5. He urged the court to mete out a non-custodial sentence so that he joins his family and society at large.**

The courts have called for probation report the same was filed and dated 24/07/2015.

The victim family have forgiven him. They want peaceful co existence. They say that the accused suffers from epilepsy accompanied by mild mental disturbance.

The family of the accused reiterated his mental disturbance which runs in their family, they have however, agreed to forgive him. The community at large is willing to forgive him also. The accused has been in remand for about two years.

Accordingly, this court will sentence the accused person to three years to non-custodial sentence to be supervised by the Probation Officer of his area.

It is so ordered.

Dated this 26th day of January, 2016.

C. B. NAGILLAH

JUDGE

In the presence of:

Nyamwange hold brief for Momanyi for accused

Konga for the State

Mercy Court Clerk.